



Entered on Docket  
May 13, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,  
USA Capital Realty Advisors, LLC,  
USA Capital Diversified Trust Deed Fund, LLC,  
USA Capital First Trust Deed Fund, LLC,<sup>1</sup>  
USA Securities, LLC,<sup>2</sup>  
Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>1</sup>  
Case No. BK-S-06-10729-LBR<sup>2</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART,  
UPON INVESTMENT IN THE  
SLADE DEVELOPMENT, INC.  
LOAN**

Hearing Date: May 8, 2008

Hearing Time: 10:30 a.m.

<sup>1</sup> This bankruptcy case was closed on October 12, 2007.

<sup>2</sup> This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Second Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Slade Development, Inc. Loan (the "Objection") [DE 6118]. Adequate notice of the Objection was given. The Court heard the Objection on May 8, 2008. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they are based upon an investment in the Slade Development, Inc. Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the Slade Development, Inc. Loan; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

*Attorneys for USACM Liquidating Trust*

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

*Attorneys for USACM Liquidating Trust*

**SLADE DEVELOPMENT LOAN  
SECOND OMNIBUS OBJECTION**

**EXHIBIT A  
Multiple Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Slade Development Loan</b>
<b>10725-02069</b>	John H. Duberg	4455 Vista Coronado Drive Chula Vista, CA 91910-3234	\$75,121.56	\$50,483.32
<b>10725-02201</b>	John H. Duberg	4455 Vista Coronado Drive Chula Vista, CA 91910-3234	\$75,121.56	\$50,483.32
<b>10725-02067</b>	Falkenborg Family LLC	727 3rd Avenue Chula Vista, CA 91910-5803	\$206,262.89	\$101,723.86
<b>10725-02203</b>	Falkenborg Family LLC	727 3rd Avenue Chula Vista, CA 91910-5803	\$206,262.89	\$101,723.86
<b>10725-01549</b>	Loughlin Family Trust	c/o Richard J. and Roberta L. Loughlin Trustees 50 Greenbriar Circle Napa, CA 94558-1587	\$27,000.00	unspecified
<b>10725-01035</b>	Loughlin Family Trust	c/o Richard J. and Roberta L. Loughlin Trustees 50 Greenbriar Circle 94558-1587	\$1,116,400.00	\$300,000.00
<b>10725-01967</b>	Markwell Family Trust	Terry and Christiane Markwell Trustees 12765 Silver Wolf Road Reno, NV 89511	\$355,247.26	\$50,000.00
<b>10725-00089</b>	Augustine Tuffanelli Family Trust	Augustine Tuffanelli Trustee c/o Thomas R. Brooksbank 689 Sierra Rose Drive, Suite A2 Reno, NV 89511	\$250,000.00	\$50,000.00
<b>10725-00795</b>	Karen Petersen Tyndall Trust Dated 3/9/94	c/o Karen Petersen Tyndall Trustee 1012 Greystoke Acres Street Las Vegas, NV 89145-8659	\$1,115,915.59	\$101,492.96
<b>10725-01183</b>	Karen Petersen Tyndall Trust Dated 3/9/94	c/o Karen Petersen Tyndall Trustee 1012 Greystoke Acres Street Las Vegas, NV 89145-8659	\$1,115,915.59	\$101,492.96